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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,736	05/04/2005	Jozef Pieter Van Gassel	NL 021086	4557

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EXAMINER

THIER, MICHAEL

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,736	Applicant(s) VAN GASSEL ET AL.	
	Examiner MICHAEL T. THIER	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/23/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 1/23/2006 has been entered and considered by the examiner.

Drawings

3. The drawings are objected to because figure 3 should show the steps inside the individual boxes shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or

“New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kourtis et al. (WO 02/51038) in view of Cheng et al. (US 2002/0187746) in further view of Hirono (US 6424818).

Regarding claims 1 and 10. Kauris teaches a communication system for mobile ad-hoc Internet sharing, comprising:

a first portable device that is provided with wireless communication capability (figure 1 MS2),

a second device that is provided with wireless communication capability (figure 1 MS3) comprising means to wirelessly receive information from said first portable device, and with capability to connect to the network via a service provider (figure 1, see how MS3 connects to BS2, further see page 2 first full paragraph), and means for forwarding said information from said first portable device (page 1 first paragraph, page 2 first full paragraph), and

a network at which at least user B is a registered user and has an account for registering utilization of said access to the network (page 10 second full paragraph, i.e. the billing means allows for billing the subscriber, since the user is a subscriber, he is thus registered to utilize the network and since he has a bill he thus also has an associated account), said network comprising a receiver being arranged to receive said information being forwarded by said second device, (see figure 1, BS2, receiving signals from MS3, further see page 2, first full paragraph, i.e. MS1 is able to communicate with base station BS2 using MS2 and MS3 as relay stations.)

an identification means being arranged to identify that said information originates from user A, (page 5, first paragraph, i.e. the relay communication device notifies the network that the relay device is in relay mode, thus identifying the network that the signals coming from the relay device actually originate at the other device.)

a connection means for establishing a connection between said first portable device and the ISP via said second device, (page 6 bottom paragraph, i.e. in relay operation the communication device can be used by other devices as a relay, when a link between them and the network has to established, thus there is connection means to connect the first device to the network through the second device.)

a register for registering charging of an account for said connection. (page 10, billing means determines billing for said subscriber.)

However, Kauris does not specifically disclose the ideas of identifying the users of the first and second portable devices.

Cheng teaches a method and system for relaying transmission in mobile

communication systems (title and abstract). He teaches the idea of identifying the users of the first and second portable devices in figure 7 step 710.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Chen with the teachings as in Kourtis. The motivation for doing so would have been to allow for improved communication efficiency and quality. (par. 13, Cheng)

However, Kourtis and Cheng disclose that the network to be connected to is the Internet via an ISP.

Hirono teaches another communication system using relaying (title and abstract). He teaches the idea of a system that allows mobile stations to connect to the internet via an internet provider in column 1 lines 54-55.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Hirono with the teachings as in Kourtis and Cheng. The motivation for doing so would have been to allow for a user friendly communication service provided to a user even under a poor communication environment. (column 2 lines 49-55, Hirono)

Regarding claims 2 and 11. Kourtis further teaches, initiating, at the ISP, registration for depositing on an account of user B for said connection. (page 103rd full paragraph)

Regarding claim 3. Kourtis further teaches, establishing said connection between said first portable device and said ISP via said second device (page 2 1st full

paragraph), and registering, at said ISP, data relating to utilization of said connection on said account of user A for said charging. (page 10)

Regarding claim 4. Kourtis further teaches registering, at said ISP, data relating to utilization of said connection on said account of user B for said depositing. (page 10 3rd full paragraph)

Regarding claim 5. Kourtis further teaches, said ISP, charging said user A for said connection, and paying said user B for said connection. (page 10)

Regarding claim 6. Cheng further teaches wherein user A is registered at said ISP. (par. 38, the network authenticates the identities of the requesting UE and the relay UE, thus both are registered for service with the network.)

Regarding claim 7. The examiner would like to note that the idea wherein said user A is charged by said ISP via a mobile phone subscription of user A is an obvious and well known technique in the art of wireless communications with respect to billing. Charging a mobile phone subscription for accessing the internet through an ISP is well known and would have been obvious to one of ordinary skill in the art at the time of invention to allow for a simple charging technique. The examiner is taking official notice on this feature.

Regarding claims 8 and 12. The examiner would like to note that the idea wherein said act of receiving identification information from the first portable device, said identification information being provided by a smart card of user A, is an obvious and well known technique in the wireless communications art. The use of SIM cards in mobile devices to store and provide authentication information is well known and would

have been obvious to one of ordinary skill in the art at the time of Invention to allow for a safe and easy way to store information within the users device. The examiner is taking official notice on this feature.

Regarding claims 9 and 13. The examiner would like to note that the idea wherein said first portable device and said ISP comprises means to encrypt communication between the first portable device and the ISP via said second device during said connection is an obvious and well known technique in the wireless communications art. The idea of encrypting data to be transmitted would have been obvious to one of ordinary skill in the art at the time of invention in order to allow for added security of the transmitted data. The examiner is taking official notice on this feature.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. THIER whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T. T./
Examiner, Art Unit 2617
3/4/2008

/DUC NGUYEN/
Supervisory Patent Examiner, Art Unit 2617